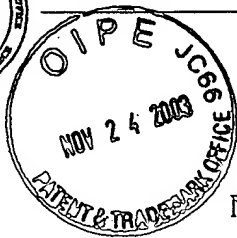


1775A



## UNITED STATES PATENT AND TRADEMARK OFFICE



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Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11-03-03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claims 3 and 17.

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION (including a submission for an RCE)**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

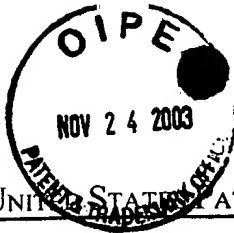
*Mertie J. Taylor*  
Legal Instruments Examiner (LIE)

703-308-4318  
Telephone No.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,609	04/12/2001	Richard Dean Weir	EEStor 100	3745
7590	11/13/2003			
Richard D. Weir 1404 Wesson Cove Cedar Park, TX 78613				
EXAMINER STEIN, STEPHEN J				
ART UNIT		PAPER NUMBER		
1775				

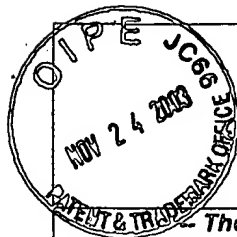
DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**OFFICE OF PETITIONS**



# Office Action Summary

Application No.

09/833,609

Applicant(s)

WEIR ET AL.

Examiner

Stephen J Stein

Art Unit

1775

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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Art Unit: 1775



## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because the abstract is not double spaced typed and is not in the form of a single paragraph. See MPEP § 608.01(b). Correction is required.

2. The disclosure is objected to because of the following informalities: The heading "Description – Figures 1 to 4" should be changed to --Brief Description of the Drawings--.

### *Claim Objections*

3. Claims 1, 7 and 8 are objected to because of the following informalities: Claim 1 is does not end with a period, and Claims 7 and 8 are each in the form of two sentences. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1, line 7, recites the limitation "double coated calcined composition modified barium titanate". This limitation makes the claims 1-16 indefinite because it is unclear if the limitation refers the coated barium titanate powder limitation recited in lines 2-4. Since it is unclear how these limitations are linked the claims are unclear.

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7. Claim 1, line 6, recites the limitation "preferentially aligned". This limitation makes claims 1-16 indefinite because it is not known what alignment constitutes preferential alignment.
8. Claim 1, line 10, recites the limitation "dry and cut the green multilayer components". This makes the claims indefinite since the limitation "the green multilayer components" lacks antecedent basis in the claims.
9. Claim 1 recites both article and method limitations without linking the method limitations to the article. This makes claims 1-16 indefinite because it is unknown how the method limitations further limit the scope of the claims. For instance, is not clear that applicants are claiming that the article is manufactured by the claimed method steps.
10. Claims 1-16 refer to figures in the claims. This makes the claims indefinite because it is unclear how the figure limits the scope of each claim. The scope of protection being sought is unclear.
11. Claims 15 and 16 recite the limitation "such as". This limitation makes the claims indefinite because it is unclear if the limitations after "such as" are intended to limit the claim. The scope of protection being sought is unclear.

*Discussion of the art*

12. Since the scope of the claims can not be ascertained by the examiner, the following is a discussion of the closest prior art.
13. US Patent 6,268,054 (Costantino et al.) discloses a dielectric layers for multi-layer ceramic capacitors wherein the dielectric material is made up oxide coated barium titanate particles.

Art Unit: 1775

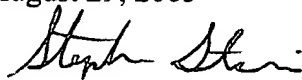
14. US Patent 6,078,494 (Hansen) discloses a capacitor having a dielectric material made of a calcined powder of doped barium-calcium-zirconium titanate with nickel or nickel alloy electrodes.

15. JP411147716A (Kita et al.) discloses ceramic dielectric used in a ceramic capacitor made with a barium titanate powder that is coated with titanium oxide.

*Conclusion*

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Stein whose telephone number is (703) 305-0583. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m. If the attempts to reach the examiner are unsuccessful, the examiner's supervisor, Deborah Jones can be reached by dialing (703) 308-3822. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose phone number is (703) 308-0661. The fax phone number for this group is (703) 872-9310 for non-final responses and (703) 872-9311 for after final responses.

August 29, 2003

  
Stephen J. Stein

**Don't Let It Be Known**

Application Number	09/833,609
Filing Date	
First Named Inventor	Richard D. Weir
Group Art Unit	1775
Examiner Name	S. Stein
Attorney Docket Number	EEStor 100

Sheet 1 of 2

Sheet 1 of 2

Attorney Docket Number EE Stor 100

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119/833619

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<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Application Number	09/833,609
Filing Date	
First Named Inventor	Richard D Weir
Group Art Unit	
Examiner Name	
Attorney Docket Number	EEStor 100

**(use as many sheets as necessary)**

Sheet

2

of

2

## OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

T2

**Examiner  
Initials\***

**Cite  
No. 1**

SSS

**i**

S.A. Bruno, D.K. Swanson & J. Burns, "High-Performance Multilayer Capacitor Dielectric from Chemically Prepared Powders", J. Am. Ceram. Soc. 76, 1233 (1993)

SIS

7.

J. KUWATA et al, "Electrical Properties of Perovskite-Type Oxide Thin-Films Prepared by RF Sputtering" Jpn J Appl. Phys, Part I, 1985, 24 (Suppl. 24) 2, Proc. Int. Meet. Ferroelect. (6<sup>th</sup>), 413-15

**Examiner  
Signature**

Stephen Storer

Date \_\_\_\_\_

**Considered**

8/29/03

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

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